

Remarks/Arguments:

Claims 1-17 are pending in the instant application. In the outstanding Office Action, the Examiner has rejected claims 1, 12, 15 and 17 under 35 U.S.C. § 112, second paragraph, asserting the term “optionally” is not clear. The Examiner has further rejected claims 1-5 and 7-17 under 35 U.S.C. § 103(a) as being obvious over International Publication No. WO 98/05153 to Alperovich et al (hereinafter, Alperovich) in view of U.S. Patent No. 5,615,253 to Kocan et al (hereinafter, Kocan). The Examiner has further rejected claim 6 under 35 U.S.C. § 103(a) as being obvious over Alperovich in view of Kocan, and further in light of U.S. Patent No. 6,487,600 to Lynch (hereinafter, Lynch). The independent claims consist of claims 1, 12, 15 and 17.

Applicant has amended claims 1, 12, 15 and 17 to eliminate the objected term “optionally”, obviating the rejection to those claims under 35 U.S.C. § 112.

Claim 1 includes the newly added language “allowing the subscriber to define a set of calling identities in the subscriber information for defining a set of allowed calling identities, said allowed calling identities being either those included in or excluded from the set,”. Support for this can be found in the Application, page 4, lines 10-12; page 8, lines 1-3, and page 15, lines 2-10. Similar language has been added to claims 12, 15, and 17.

Alperovich discloses a method and apparatus for selectively restricting only forwarded incoming calls. See Alperovich, abstract. In the method of Alperovich, a switch registers the forwarding number from the last received call. A subscriber can request the forwarding number from the last received call (or from the last call attempt) to be recorded on a list of unwanted call forwarders. Subsequently, forwarded calls from the forwarding number are rejected, where the forwarding number is on the list of unallowed forwarders. See Alperovich, page 3, lines 14-19 (after completion of the forwarded call, the exchange is directed to restrict subsequent calls forwarded from the forwarding terminal); page 8, lines 6-10 (block all subsequent forwarded calls from the directory

number associated with the last forwarded call to terminal C); page 9, lines 7-21 (same as previous). One fundamental difference between Alperovich and the claims of the present invention is that Alperovich relies on the identity of the forwarder, not on the identity of the caller. The present invention avoids shortfalls inherent in the Alperovich method, namely, certain signaling methods such as analog or pulse signaling may not include the forwarded call number. In those instances, the method of Alperovich is incapable of blocking a forwarded call, even if the forwarded call number is on the list of unallowed forwarders. This is a non-trivial distinction from both a patentability and a utility perspective; many if not most simple call signaling systems only carry the dialed number, not the call origination number.

Kocan discloses a method for preventing the calling to a forwarding subscriber from certain specified numbers. The aim is to minimize a communication company's exposure to fraud facilitated by activating call forwarding to, for example, some premium rate number or to a foreign number, without the knowledge of the forwarding subscriber. See Kocan, abstract and col. 1, lines 18-35. In the method described in Kocan at the abstract and at col. 1, lines 45-54, a switch that processes a call checks whether the call has been forwarded by inspecting a forwarding indicator or by comparing the number dialed to the number to which the call is being routed. Kocan does not disclose the checking of calling identities, or the option for the subscriber, who is the called party, to specify allowed or unwanted numbers. The service in Kocan is controlled merely by the operator due to the different nature of the service and different underlying problem to be solved by the invention.

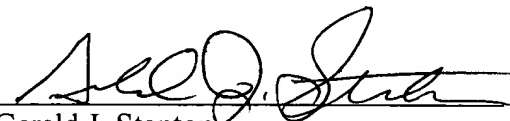
In contradistinction, claim 1 as herein amended describe a system that allows a subscriber to define beforehand a set of caller identities, wherein allowed caller identities are either those included in or excluded from the set. The other independent claims similarly allow the subscriber to define the set beforehand. This enables the subscriber to avoid being unnecessarily disturbed. The subscriber of Alperovich retains the burden of receiving at least one unwanted call from a forwarder before the barring can be effectuated, as detailed above. Additionally, implementation of the Alperovich method requires the

switch to maintain a record of received calls so that the user can bar later calls from a forwarder, at some future time beyond immediately receiving the first unwanted call from that forwarder. The record maintaining function imposes an additional burden for the switch to maintain an ever-growing number of call forwarders that would otherwise have been erased from the switch memory. The present application imposes no such additional burden due to its different approach in solving the problem as compared to Alperovich.

The principle of operation of Alperovich is to block forwarded calls from callers by assembling a list of callers, whose future forwarded calls are to be blocked, after a subscriber receives an unwanted call from each caller put on the list. Claim 1 provides that the allowed caller identities are either those included in or excluded from the set of caller identities determined by the subscriber, and claim 5 recites that the set include calls to be forwarded. Applicant contends that it is improper to combine the teachings of Kocan with the teachings of Alperovich to achieve the recited language of claims 1 and 5, for to do so would undermine the principle of operation of Alperovich cited above, and the references are not sufficient to render the claims obvious. See M.P.E.P. § 2143.01 and In re Ratti, 123 USPQ 349, 352 (CCPA, 1959), cited therein.

Applicant submits that the above detailed arguments successfully traverse each and every outstanding rejection. Applicant respectfully requests that the Examiner withdraw all rejections and pass claims 1-17 to issuance without further delay.

Respectfully submitted:


Gerald J. Stanton
Reg. No.: 46,008

August 20, 2003
Date

Appl. No. 09/674,101
Amdt. Dated August 20, 2003
Reply to Office Action of May 21, 2003

Customer No.: 29683
HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Phone: (203) 925-9400
Facsimile: (203) 944-0245
Email: gstanton@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/20/2003
Date

Lynn Maroldi
Name of Person Making Deposit